

Regular Session, 2013

HOUSE BILL NO. 205

BY REPRESENTATIVE LEGER

TAX/LOCAL: (Constitutional Amendment) Removes requirement for legislative authorization of the levy of additional sales taxes by parishes, municipalities, and school boards

1 A JOINT RESOLUTION

2 Proposing to amend Article VI, Section 29 of the Constitution of Louisiana, to remove the
3 requirement for legislative authorization of the levy of additional sales taxes by
4 parishes, municipalities, and school boards; to provide for submission of the
5 proposed amendment to the electors; and to provide for related matters.

6 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
7 elected to each house concurring, that there shall be submitted to the electors of the state of
8 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
9 amend Article VI, Section 29 of the Constitution of Louisiana, to read as follows:

10 §29. Local Governmental Subdivisions and School Boards; Sales Tax

11 Section 29.(A) Sales Tax Authorized. Except as otherwise authorized in a
12 home rule charter as provided for in Section 4 of this Article, the governing authority
13 of any local governmental subdivision or school board may levy and collect a tax
14 upon the sale at retail, the use, the lease or rental, the consumption, and the storage
15 for use or consumption, of tangible personal property and on sales of services as
16 defined by law, if approved by a majority of the electors voting thereon in an election
17 held for that purpose. ~~The rate thereof, when combined with the rate of all other~~
18 ~~sales and use taxes, exclusive of state sales and use taxes, levied and collected within~~
19 ~~any local governmental subdivision, shall not exceed three percent.~~

1 (B) ~~Additional Sales Tax Authorized. However, the legislature, by general~~
2 ~~or by local or special law, may authorize the imposition of additional sales and use~~
3 ~~taxes by local governmental subdivisions or school boards, if approved by a majority~~
4 ~~of the electors voting thereon in an election held for that purpose.~~

5 (Ⓢ) Bonds; Security. Nothing in this Section shall affect any sales or use tax
6 authorized or imposed on the effective date of this constitution or affect or impair the
7 security of any bonds payable from the proceeds of the tax.

8 (Ⓢ) (C) Exemptions; Protection of Bonds. Except when bonds secured
9 thereby have been authorized, the legislature may provide for the exemption or
10 exclusion of any goods, tangible personal property, or services from sales or use
11 taxes only pursuant to one of the following:

12 (1) Exemptions or exclusions uniformly applicable to the taxes of all local
13 governmental subdivisions, school boards, and other political subdivisions whose
14 boundaries are not coterminous with those of the state.

15 (2) Exemptions or exclusions applicable to the taxes of the state or
16 applicable to political subdivisions whose boundaries are coterminous with those of
17 the state, or both.

18 (3) Exemptions or exclusions uniformly applicable to the taxes of all the tax
19 authorities in the state.

20 Section 2. Be it further resolved that this proposed amendment shall be submitted
21 to the electors of the state of Louisiana at the statewide election to be held on November 4,
22 2014.

23 Section 3. Be it further resolved that on the official ballot to be used at the election,
24 there shall be printed a proposition, upon which the electors of the state shall be permitted
25 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
26 follows:

27 Do you support an amendment to remove the requirement that additional
28 parish, municipality, and school board sales taxes must be authorized by the

- 1 legislature but retain the requirement for voter approval to levy such taxes?
- 2 (Amends Article VI, Section 29)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leger

HB No. 205

Abstract: Removes constitutional requirement for legislative authorization of additional sales taxes levied by parishes, municipalities, and school boards; retains requirement for voter approval of such taxes.

Present constitution authorizes any parish, municipality, or school board to levy and collect a sales tax, subject to voter approval. Provides that the rate thereof, when combined with the rate of all other local sales and use taxes levied and collected within any city or parish shall not exceed 3%; however, authorizes the legislature to authorize parishes, municipalities, and school boards to levy additional sales taxes but such taxes are also subject to voter approval.

Proposed constitutional amendment removes the combined rate limitation and the requirement for legislative authorization of sales taxes above such limitation. Retains constitutional requirement that all such taxes are subject to voter approval.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014.

(Amends Const. Art. VI, §29)